

CAUSE NUMBER 1140010

ERVIN LEE/EQUITY CUSTOM BUILDERS, LLC. IN
THE COUNTY CIVIL COURT
512 N.HAMPTON ROAD
DESOTO, TX 75115
PLAINTIFF
V.S.
PHILLIP AND TANAKA SMITH
13823 GREENRANCH DRIVE
HOUSTON, TX 77039
DEFENDANTS #1.

C.C.C.L. #2

LOANCARE
INSURANCE PROCESSING CENTER
ATTN:LOSS DRAFT CORRESPONDENCE
1323 CELEBRATION BLVD.
FLORENCE, SC 29501
DEFENDANT#2

US SMALL BUSINESS ADMINISTRATION
10737 GATEWAY WEST, SUITE#300
EL PASO, TX 79935
DEFENDANT#3

ALLSTATE INSURANCE COMPANY
P.O.BOX 672041
DALLAS, TEXAS 75267
PHONE#888-202-3716
P.O.BOX 672041
DALLAS, TX 75267
DEFENDANTS #4
LAW NUMBER _____

AT

ORIGINAL PETITION FOR TORTIOUS INTERFERENCE
WITH EXISTING CONTRACT
ALTERNATIVE

MONEY HAD & RECEIVED

EXHIBIT

B

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire

Deputy

Alba Fraire



CON:492264|15967773



ALTERNATIVE

MONEY HAD & RECEIVED

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ERVIN LEE/EQUITY CUSTOM CUILDERS,
LLS, IN THE ABOVE STYLE AND SUIT

AND CAUSE NUMBERD, RESPECTFULLY SUBMITS THIS
SUIT AND WOULD SHOW THE FOLLOWING:

I.

THE ELEMENTS OF AN ACTION FOR TORTIOUS
INTERFERENCE WITH AN EXISTING CONTRACT ARE
THE FOLLOWING:

- 1.THE PLAINTIFF HAD A VALID CONTRACT;
- 2.THE DEFENDANTS WILLFULLY AND INTENTIONALLY
INTERFERED WITH THE CONTRACT;
- 3.THE INTERFERENCE PROXIMATELY CAUSED THE
PLAINTIFF'S INJURY;AND
- 4.THE PLAINTIFF INCURRED ACTUAL DAMAGE OR
LOSS.

II.

THE ELEMENT OF A CAUSE OF ACTION FOR MONEY
HAD AND RECEIVED ARE THE FOLLOWING:

- 1.THE DEFENDANT'S HOLDS MONEY;AND

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Diane Trautman, County Clerk
Harris County, Texas

Alfa Fraire
Alfa Fraire

Deputy



CON:492264|15967773



THE ELEMENTS OF AN ACTION FOR TORTIOUS
INTERFERENCE WITH AN EXISTING CONTRACT ARE
THE FOLLOWING:

1. THE PLAINTIFF HAD A VALID CONTRACT;
2. THE DEFENDANTS WILLFULLY AND INTENTIONALLY
INTERFERED WITH THE CONTRACT;
3. THE INTERFERENCE PROXIMATELY CAUSED THE
PLAINTIFF'S INJURY; AND
4. THE PLAINTIFF INCURRED ACTUAL DAMAGE OR
LOSS.

II.

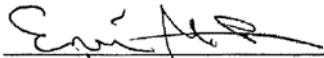
THE ELEMENT OF A CAUSE OF ACTION FOR MONEY
HAD AND RECEIVED ARE THE FOLLOWING:

1. THE DEFENDANT'S HOLDS MONEY; AND
2. THE MONEY BELONGS TO THE PLAINTIFF IN EQUITY
AND GOOD CONSCIENCE.

III.

TOTAL LOSS \$194,722.50

RESPECTFULLY SUBMITTED.



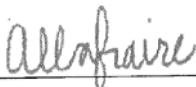
ERVIN LEE/EQUITY CUSTOM BUILDERS, LLC

DATE 7-22-2019

FILED
2019 AUG 22 PM 1:43
COUNTY CLERK
HARRIS COUNTY TEXAS

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A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas


Alba Fraire

Deputy

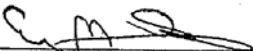


CON:492264|15967773



TOTAL LOSS \$194,722.50

RESPECTFULLY SUBMITTED.



ERVIN LEE/EQUITY CUSTOM BUILDERS, LLC
DATE 7-22-2019
7/22/2019

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Diane Trautman, County Clerk
Harris County, Texas



Alba Fraire

Deputy



CON:492264|15967773




1140010

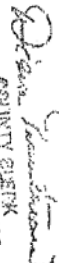
TO; THE HONORABLE CLERK OF THE
COUNTY CIVIL COURT AT LAW,
OFFICE OF DIANE TRAUTMAN
201 CAROLINE, 4TH FLOOR
P.O. BOX 1525
HOUSTON, TX 77251-1525

C.C.C.L. #2

DEAR CLERK,
PLEASE FILE THE ORIGINAL ,AND THE 4 COPYS,AND
SERVICE TWO TO THE SMITHS IN HOUSTON TEXAS
AND PLEASE SEND THE 3 FILED COPYS BACK TO
ME,SO THE I CAN HAVE THE OTHER DEFENDANTS
SERVICE IN OTHER STATES.

SINCERELY 
ERVIN LEE
512 N.HAMPTON ROAD#410
DESOTO, TX 75115
7- -2019

07/22/2019

FILED
2019 AUG 22 PM 1:43

COUNTY CLERK
HARRIS COUNTY TEXAS

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas


Alba Fraire

Deputy



CON:492264|15967774





DIANE TRAUTMAN

COUNTY CLERK

July 26, 2019

Ervin Lee
512 N. Hampton Road #410
Desoto, TX 75115

RE: COUNTY CIVIL COURT AT LAW, OFFICE OF DIANE TRAUTMAN

ENCLOSED PLEASE FIND YOUR CHECK IN THE AMOUNT OF \$382.00, WHICH WAS SENT TO THIS OFFICE FOR FILING AND OR ISSUANCE. PLEASE SEE BOX (ES) CHECKED FOR REASON RETURNED.

- ☐ (1) NEED CORRECTED CHECK IN THE AMOUNT OF \$ _____
- ☐ (2) NEED CASHIER'S CHECK OR MONEY ORDER IN THE AMOUNT OF \$ _____
- ☐ (3) CHECK OR PETITION IS NOT SIGNED.
- ☐ (4) WE CAN NOT ACCEPT ALTERED OR TEMPORARY CHECKS.
- ☐ (5) PLEASE SEND COVER LETTER WITH MORE INFORMATION. PLEASE ENCLOSE CASE AND COURT NUMBER AND STYLE OF CASE.
- ☐ (6) A SERVICE COPY FOR EACH DEFENDANT IS NEEDED.
- ☒ (7) OTHER: This is being returned for insufficient funds. The fees are as follows: \$232.00 Filing Fee, \$4 citation issuance fee (each), \$75.00 Constable Service (in Harris County, each) Please mail back with correct funds.

PLEASE MAKE CHECKS PAYABLE TO DIANE TRAUTMAN, COUNTY CLERK.

SINCERELY,
DIANE TRAUTMAN, COUNTY CLERK

BY: Guillermo Gomez
DEPUTY CLERK

201 Caroline, 4th Floor • P.O. Box 1525 • Houston, TX 77251-1525 • 713-755-6411
www.cclerk.hctx.net

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

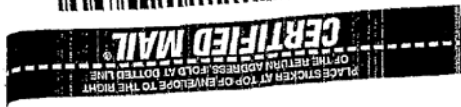
Alba Fraire
Alba Fraire

Deputy



CON:492264|15967774





1006



77002

U.S. POSTAGE PAID
PM 2-Day
DESOTO, TX
75115
AUG 19, 19
AMOUNT
\$14.00
R2304N117016-07



RECEIPT
REQUESTED

**PRIORITY®
★ MAIL ★**

**UNITED STATES
POSTAL SERVICE®**
VISIT US AT USPS.COM®
ORDER FREE SUPPLIES ONLINE

FROM: *Ervin Lee*
512 N. Hampton Rd. #410
Desoto TX 75115

TO:

*Office of County Civil
Court At Law*
201 Carolina 4th Floor
P.O. Box 1525 Houston TX
77002

Label 228, March 2016

FOR DOMESTIC AND INTERNATIONAL USE

VISIT US AT USPS.COM®
ORDER FREE SUPPLIES ONLINE

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|15967774



NO. 1140010

ERVIN LEE AND EQUITY CUSTOM § IN THE COUNTY COURT AT LAW
BUILDERS, LLC §
Plaintiffs, §
§
V. § NO. 2
§
TANAKA SMITH AND PHILLIP §
SMITH §
Defendants. §
§ HARRIS COUNTY, TEXAS

DEFENDANTS' ORIGINAL ANSWER

NOW COME Defendants, Tanaka Smith and Phillip Smith, named Defendants in the above-entitled and numbered cause, and file this Original Answer, and show the Court:

GENERAL DENIAL

Defendants deny each and every allegation of Plaintiffs' Original Petition, and demand strict proof thereof as required by the Texas Rules of Civil Procedure.

PRAYER

Defendants pray the Court, after notice and hearing or trial, enters judgment in favor of Defendants, awards Defendants the costs of court, attorney's fees, and such other and further relief as Defendants may be entitled to in law or in equity.

Respectfully submitted,

/s/ Tanaka Smith

/s/ Phillip Smith

Defendants' Original Answer

Page 1 of 2

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A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|16065357



CERTIFICATE OF SERVICE

I certify that on September 26, 2019 a true and correct copy of Defendants' Original Answer was served to each person listed below by the method indicated.

Ervin Lee
Electronically through the Electronic Filing Manager

Equity Custom Builders, LLC
Electronically through the Electronic Filing Manager

/s/ Tanaka Smith
Tanaka Smith

Defendants' Original Answer

Page 2 of 2

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Allofraire
Alba Fraire

Deputy



CON:492264|16065357





OFFICE OF DIANE TRAUTMAN
COUNTY CLERK, HARRIS COUNTY, TEXAS
COUNTY CIVIL COURTS DEPARTMENT

Docket Number: 1140010

Receipt Number: CL-2019-314995 Date: 08/22/2019 Sheriff/Constable Fee: \$75.00

ERVIN LEE, ET AL
Plaintiff
VS.
PHILLIP SMITH, ET AL
Defendant

In The County Civil Court at Law No. 2
201 Caroline, No. 517
Houston, TX 77002

THE STATE OF TEXAS
ORIGINAL PETITION CITATION

To: Phillip Smith
13823 Greenranch Drive
Houston, TX 77039

Attached is a copy of petition.

This instrument was filed on the **22nd day of August, 2019**, in the above cited cause number and court. The instrument attached describes the claim against you.

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the county clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Issued and given under my hand and the seal of said court, at Houston, Texas, on this 23rd day of August, 2019

(Seal)

Diane Trautman, County Clerk
County Civil Court at Law No. 2
201 Caroline, Suite 300
Harris County, Texas

Jesse Salas
Deputy County Clerk

Requested By: ERVIN LEE; EQUITY CUSTOM BUILDERS LLC
512 N HAMPTON ROAD
DE SOTO TX 75115

P.O. Box 1525 • Houston, TX 77251-1525 • (713) 274-1374

Form No. H01029 (Rev. 08/29/2016)

WWW.CCLERK.HCTX.NET

Page 1 of 1

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A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire

Alba Fraire

Deputy



CON:492264|15968529





OFFICE OF DIANE TRAUTMAN
COUNTY CLERK, HARRIS COUNTY, TEXAS
COUNTY CIVIL COURTS DEPARTMENT

Docket Number: 1140010

Receipt Number: CL-2019-314995 Date: 08/22/2019 Sheriff/Constable Fee: \$75.00

ERVIN LEE, ET AL
Plaintiff
VS.
PHILLIP SMITH, ET AL
Defendant

In The County Civil Court at Law No. 2
201 Caroline, No. 517
Houston, TX 77002

THE STATE OF TEXAS
ORIGINAL PETITION CITATION

To: Tanaka Smith
13823 Greenranch Drive
Houston, TX 77039

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Harris County, Texas

Jesse Salas
Deputy County Clerk

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Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire

Alba Fraire

Deputy



CON:492264|15968528





OFFICE OF DIANE TRAUTMAN
COUNTY CLERK, HARRIS COUNTY, TEXAS
COUNTY CIVIL COURTS DEPARTMENT

Docket Number: 1140010
Receipt Number: Date: Sheriff/Constable Fee: \$

ERVIN LEE, ET AL
Plaintiff
VS.
PHILLIP SMITH, ET AL
Defendant

In The County Civil Court at Law No. 2
201 Caroline, No. 517
Houston, TX 77002

THE STATE OF TEXAS
ORIGINAL PETITION CITATION

To: LOANCARE INSURANCE PROCESSING CENTER
ATTN: LOSS DRAFT CORRESPONDENCE
1323 CELEBRATION BLVD.
FLORENCE, SC 29501

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Harris County, Texas

Jesse Salas
Deputy County Clerk

Requested By: ERVIN LEE; EQUITY CUSTOM BUILDERS LLC
512 N HAMPTON ROAD
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Form No. H01029 (Rev. 08/29/2016)

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Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|15968564





OFFICE OF DIANE TRAUTMAN
COUNTY CLERK, HARRIS COUNTY, TEXAS
COUNTY CIVIL COURTS DEPARTMENT

Docket Number: 1140010
Receipt Number: Date: Sheriff/Constable Fee: \$

ERVIN LEE, ET AL
Plaintiff
VS.
PHILLIP SMITH, ET AL
Defendant

In The County Civil Court at Law No. 2
201 Caroline, No. 517
Houston, TX 77002

THE STATE OF TEXAS
ORIGINAL PETITION CITATION

To: US SMALL BUSINESS ADMINISTRATION
10737 GATEWAY WEST, SUITE #300
EL PASO, TX 79935

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County Civil Court at Law No. 2
201 Caroline, Suite 300
Harris County, Texas

Jesse Salas
Deputy County Clerk

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512 N HAMPTON ROAD
DE SOTO TX 75115

P.O. Box 1525 • Houston, TX 77251-1525 • (713) 274-1374

Form No. H01029 (Rev. 08/29/2016)

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Alba Fraire

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Deputy



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OFFICE OF DIANE TRAUTMAN
COUNTY CLERK, HARRIS COUNTY, TEXAS
COUNTY CIVIL COURTS DEPARTMENT

Docket Number: 1140010
Receipt Number: Date: Sheriff/Constable Fee: \$

ERVIN LEE, ET AL
Plaintiff
VS.
PHILLIP SMITH, ET AL
Defendant

In The County Civil Court at Law No. 2
201 Caroline, No. 517
Houston, TX 77002

THE STATE OF TEXAS
ORIGINAL PETITION CITATION

To: ALLSTATE INSURANCE COMPANY
P.O. BOX 672041
DALLAS, TEXAS 75267

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(Seal)

Diane Trautman, County Clerk
County Civil Court at Law No. 2
201 Caroline, Suite 300
Harris County, Texas

Jesse Salas
Deputy County Clerk

Requested By: ERVIN LEE; EQUITY CUSTOM BUILDERS LLC
512 N HAMPTON ROAD
DE SOTO TX 75115

P.O. Box 1525 • Houston, TX 77251-1525 • (713) 274-1374

Form No. H01029 (Rev. 08/29/2016)

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Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire

Alba Fraire

Deputy



CON:492264|15968570





OFFICE OF DIANE TRAUTMAN
COUNTY CLERK, HARRIS COUNTY, TEXAS
COUNTY CIVIL COURTS DEPARTMENT

Docket Number: 1140010

Receipt Number: CL-2019-314995 Date: 08/22/2019 Sheriff/Constable Fee: \$75.00

ERVIN LEE, ET AL
Plaintiff
VS.
PHILLIP SMITH, ET AL
Defendant

In The County Civil Court at Law No. 2
201 Caroline, No. 517
Houston, TX 77002

THE STATE OF TEXAS
ORIGINAL PETITION CITATION

To: Tanaka Smith
13823 Greenranch Drive
Houston, TX 77039

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(Seal)



Diane Trautman, County Clerk
County Civil Court at Law No. 2
201 Caroline, Suite 300
Harris County, Texas

[Signature]
Jesse Salas
Deputy County Clerk

Requested By: ERVIN LEE; EQUITY CUSTOM BUILDERS LLC
512 N HAMPTON ROAD
DE SOTO TX 75115

P.O. Box 1525 • Houston, TX 77251-1525 • (713) 274-1374

Form No. H01029 (Rev. 08/29/2016)

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FILED
2019 SEP -5 AM 8:34
COUNTY CLERK
HARRIS COUNTY, TEXAS
Page 1 of 1

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A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

[Signature]
Alba Fraire

Deputy



CON:492264|16001859



OFFICER'S RETURN

Came to hand on _____, at _____ o'clock __M. and

executed in _____ County, Texas, by delivering to each of the within named Defendants, in person, a true copy of this Citation together with the accompanying copy of the Plaintiff's petition, at the following time and places to-wit:

NAME	DATE			TIME	PLACE OR ADDRESS OF SERVICE
	Month	Day	Year	Hour / Min. - AM/PM	

and not executed as to the Defendant _____

the diligence used in finding said Defendant, being _____

and the cause of failure to execute this process is: _____

and the information received as to the whereabouts of the said Defendant, being: _____

_____, (Sheriff)

(Authorized Person) Sworn to and subscribed before me this _____ day _____ County, Texas (Constable)

of _____ By _____, Deput

(Notary Public)

RETURN FOR NOTICE TO SERVE NON-RESIDENT DEFENDANT

STATE OF _____ §

COUNTY OF _____ §

Before me, the undersigned authority, personally appeared _____, a person competent to make oath, and who by me being duly sworn, deposes and says; that this notice came to hand on _____, at _____ o'clock A.M./P.M., and executed by delivering to defendant, _____, in person, at _____ in _____ County _____, State of _____, on _____, at _____ o'clock A.M./P.M., a true copy of the notice, with a copy of plaintiff's petition attached thereto. He further says that he is in no manner interested in this Suit.

Sworn to and subscribed before me,

_____, (Sheriff)
_____, (Constable)
_____, County,

State of _____

By _____, Deputy

Form No. H-01-028 (Rev. 08/01/2011)

9990-496-512

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire

Alba Fraire

Deputy



CON:492264|16001859



Constable Return of Individual

Cause #: 1140010

Tracking #: J06883596

In the case of ERVIN LEE, ET AL VS PHILLIP SMITH, ET AL a CITATION and attached ORIGINAL PETITION was issued by the County Civil Court 2 court of HARRIS County, TX and came to hand on the 26 day of August, 2019 at 12:26PM to be delivered at 13823 GREENRANCH DR, HOUSTON, TX 77039 by delivering to: TANAKA SMITH

(Attempted service at 13823 GREENRANCH DR, HOUSTON, TX, 77039 unless otherwise noted.)

Date	Time	Deputy Name	Agency	Service Attempt Type	Attempted Address	Remarks
9/3/2019	3:05:00 PM	John LeBlanc	1	SERVED DEFENDANT	13823 GREENRANCH DR HOUSTON TX 77039	
8/29/2019	11:35:00 AM	John LeBlanc	1	PHONE CALL / EMAIL	13823 GREENRANCH DR HOUSTON TX 77039	DEFENDANT CALLED FROM CONTACT # 713-904-0666, TO MEET LATER
8/29/2019	10:20:00 AM	John LeBlanc	1	PHONE CALL / EMAIL	13823 GREENRANCH DR HOUSTON TX 77039	DEFENDANT CALLED FROM CONTACT # 713-851-5017, TO MEET LATER
8/28/2019	11:00:00 AM	John LeBlanc	1	NO ANSWER/LEFT CARD	13823 GREENRANCH DR HOUSTON TX 77039	VEHICLE LICENSE # KDN9708, PARKED IN THE DRIVEWAY IS REGISTERED TO THE DEFENDANT

Service of Individual

Executed in Harris County, Texas by delivering to each of the within name defendant by PERSONAL SERVICE; a true copy of this CITATION together with the accompanying copy of the ORIGINAL PETITION, at the following times and places:

Name	Date	Time	Full Address of Service
TANAKA SMITH	9/3/2019	3:05PM	13823 GREENRANCH DR HOUSTON TX 77039

Fee Due \$ 0.00

by Deputy John LeBlanc - 1c18

Printed

Deputy Signature



Attempts:

4

Total Attempts:

4

Alan Rosen, Constable Precinct #1

Harris County Texas

1302 Preston, 3rd Floor
Houston Texas 77002
713.755.5200

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy

Attest: 10/21/2019

Diane Trautman, County Clerk
Harris County, Texas

Alfonso
Alfonso

Deputy



CON:492264|16001859





OFFICE OF DIANE TRAUTMAN
 COUNTY CLERK, HARRIS COUNTY, TEXAS
 COUNTY CIVIL COURTS DEPARTMENT

Docket Number: 1140010

Receipt Number: CL-2019-314995 Date: 08/22/2019 Sheriff/Constable Fee: \$75.00

ERVIN LEE, ET AL
 Plaintiff
 VS.
 PHILLIP SMITH, ET AL
 Defendant

In The County Civil Court at Law No. 2
 201 Caroline, No. 517
 Houston, TX 77002

THE STATE OF TEXAS
ORIGINAL PETITION CITATION

To: Phillip Smith
 13823 Greenranch Drive
 Houston, TX 77039

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You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the county clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Issued and given under my hand and the seal of said court, at Houston, Texas, on this 23rd day of August, 2019

(Seal)

Diane Trautman, County Clerk
 County Civil Court at Law No. 2
 201 Caroline, Suite 300
 Harris County, Texas

Jesse Salas
 Deputy County Clerk

Requested By: ERVIN LEE; EQUITY CUSTOM BUILDERS LLC
 512 N HAMPTON ROAD
 DE SOTO TX 75115

FILED
 2019 SEP -5 AM 8:34
 COUNTY CLERK
 HARRIS COUNTY TEXAS

2019 AUG 26 PM 3:32
 HARRIS COUNTY TEXAS

P.O. Box 1525 • Houston, TX 77251-1525 • (713) 274-1374

Form No. H01029 (Rev. 08/29/2016)

WWW.CCLERK.HCTX.NET

Page 1 of 1

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
 Attest: 10/21/2019
Diane Trautman, County Clerk
 Harris County, Texas

Alba Fraire
 Alba Fraire

Deputy



CON:492264|16001860



OFFICER'S RETURN

Came to hand on _____, at _____ o'clock __M. and

executed in _____ County, Texas, by delivering to each of the within named Defendants, in person, a true copy of this Citation together with the accompanying copy of the Plaintiff's petition, at the following time and places to-wit:

NAME	DATE			TIME	PLACE OR ADDRESS OF SERVICE
	Month	Day	Year	Hour / Min. - AM/PM	

and not executed as to the Defendant _____

the diligence used in finding said Defendant, being _____

and the cause of failure to execute this process is: _____

and the information received as to the whereabouts of the said Defendant, being: _____

_____, (Sheriff)

(Authorized Person) Sworn to and subscribed before me this _____ day _____ County, Texas (Constable)

of _____

By _____, Deput

(Notary Public)

RETURN FOR NOTICE TO SERVE NON-RESIDENT DEFENDANT

STATE OF _____ §

COUNTY OF _____ §

Before me, the undersigned authority, personally appeared _____, a person competent to make oath, and who by me being duly sworn, deposes and says; that this notice came to hand on _____, at _____ o'clock A.M./P.M., and executed by delivering to defendant, _____, in person, at _____ in _____ County _____, State of _____, on _____, at _____ o'clock A.M./P.M., a true copy of the notice, with a copy of plaintiff's petition attached thereto. He further says that he is in no manner interested in this Suit.

Sworn to and subscribed before me,

_____, (Sheriff)

_____, (Constable)

_____, County,

State of _____

By _____ Deputy

Form No. H-01-028 (Rev. 08/01/2011)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|16001860



Constable Return of Individual

Cause #: 1140010

Tracking #: J06883693

In the case of ERVIN LEE, ET AL VS PHILLIP SMITH, ET AL a CITATION and attached COPY OF PETITION was issued by the County Civil Court 2 court of HARRIS County, TX and came to hand on the 26 day of August, 2019 at 3:28PM to be delivered at 13823 GREENRANCH DR, HOUSTON, TX 77039 by delivering to: PHILLIP SMITH, ET AL

(Attempted service at 13823 GREENRANCH DR, HOUSTON, TX, 77039 unless otherwise noted.)

Date	Time	Deputy Name	Agency	Service Attempt Type	Attempted Address	Remarks
9/3/2019	3:05:00 PM	John LeBlanc	1	SERVED DEFENDANT	13823 GREENRANCH DR HOUSTON TX 77039	
8/29/2019	11:35:00 AM	John LeBlanc	1	PHONE CALL / EMAIL	13823 GREENRANCH DR HOUSTON TX 77039	DEFENDANT CALLED FROM CONTACT # 713-904-0666, TO MEET LATER
8/29/2019	10:20:00 AM	John LeBlanc	1	PHONE CALL / EMAIL	13823 GREENRANCH DR HOUSTON TX 77039	DEFENDANT CALLED FROM CONTACT # 713-851-5017, TO MEET LATER
8/28/2019	11:00:00 AM	John LeBlanc	1	NO ANSWER/LEFT CARD	13823 GREENRANCH DR HOUSTON TX 77039	VEHICLE LICENSE # DV72153, PARKED IN THE DRIVEWAY IS REGISTERED TO THE DEFENDANT

Service of Individual

Executed in Harris County, Texas by delivering to each of the within name defendant by PERSONAL SERVICE; a true copy of this CITATION together with the accompanying copy of the COPY OF PETITION, at the following times and places:

Name	Date	Time	Full Address of Service
PHILLIP SMITH, ET AL	9/3/2019	3:05PM	13823 GREENRANCH DR HOUSTON TX 77039

Fee Due \$ 0.00

by Deputy John LeBlanc - 1c18

Printed

Deputy Signature

Attempts:

Total Attempts:

4

4

Alan Rosen, Constable Precinct #1

Harris County Texas

1502 Preston, 3rd Floor
Houston Texas 77002
713.755.5200

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy

Attest: 10/21/2019

Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|16001860



Ervin Lee, Equity Custom Builders LLC vs	§	In the County Civil Court at Law No. 2
Phillip Smith, Tanaka Smith, Loancare Insurance	§	
Processing Center, US Small Business	§	Harris County, Texas
Administration, Allstate Insurance Company	§	
	§	
	§	

ORDER OF REFERRAL OF MEDIATION

This case is appropriate for mediation pursuant to Tex. Civ. & Rem. Code Sec. 154.001, et seq. ROBERT CASEY is appointed a mediator in the above case, and all counsel are directed to arrange the logistics of mediation. The Mediator's address, phone and fax numbers are as follows:

ROBERT CASEY, 1627 WOODHUE SPRING, TX 77386, Mediator Phone: Work: 832-326-9294

Mediation is a mandatory, non-binding settlement conference, conducted with the assistance of a Mediator. Mediation is private, confidential, and privileged from process and discovery. After mediation, the Court will be advised only that the case did or did not settle. The Mediator shall not be a witness, and the Mediator's records may not be subpoenaed or used as evidence.

Fees for the mediation are to be agreed upon by the parties and the Mediator, and divided and borne equally by the parties unless agreed upon otherwise. Fees shall be paid by the parties directly to the Mediator, and shall be taxed as costs. Each party and counsel will be bound by the Rules for Mediation.

Named parties shall be present during the entire mediation process, and each corporate party must be represented by a person with authority to negotiate a settlement. The mediation must be completed within one week before trial setting. Counsel and parties shall try to agree upon a mediation date within fourteen days of the date of this order. If no agreed date can be scheduled, then the Mediator shall select a date, and all parties shall appear as directed by the Mediator.

Referral to the mediation is not a substitute for a trial and the case will be tried as assigned if not settled. Disputes as to fees may be submitted to the Court.

Signed on: 9/26/2019

Honorable Jim F. Kovach
Judge Presiding

ERVIN LEE
512 N HAMPTON ROAD
DE SOTO TX 75115

H01139 (Rev. 05/01/2011)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire

Alba Fraire

Deputy



CON:492264|16066228



HARRIS COUNTY CLERKS PARTIES RECEIVING MEDIATION NOTICES

Docket Number: 1140010

Ervin Lee, Equity Custom Builders LLC vs
 Phillip Smith, Tanaka Smith, LoanCare Insurance
 Processing Center, US Small Business
 Administration, Allstate Insurance Company

§
 §
 §
 §
 §
 §

In the County Civil Court at Law No. 2
 Harris County, Texas

Mediator:

ROBERT CASEY
 1627 WOODHUE
 SPRING, TX 77386
 Work: 832-326-9294

Parties:

Name	Bar Number	Address	Phone	Fax
Ervin Lee		512 N hampton Road De Soto TX 75115		
Equity Custom Builders LLC		512 N Hampton Road De Soto TX 75115		
Phillip Smith		13823 Greenranch Drive Houston TX 77039		
Tanaka Smith		13823 Greenranch Drive Houston TX 77039		
LoanCare Insurance Processing Center		c/o Loss Draft Correspondence 1323 Celebration Blvd Florence SC 29501		
US Small Business Administration		10737 Gateway Suite #300 El Paso TX 79935		
Allstate Insurance Company		PO Box 672041 Dallas TX 75267	888-202-3716	
ROBERT CASEY		1627 WOODHUE SPRING TX 77386	832-326-9294	

H01334 (Rev. 11/06/2015)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
 Attest: 10/21/2019
Diane Trautman, County Clerk
 Harris County, Texas

Alba Fraire
 Alba Fraire

Deputy



CON:492264|16066232



H01334 (Rev. 11/06/2015)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy

Attest: 10/21/2019

Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|16066232



Docket Number: 1140010

Ervin Lee, Equity Custom Builders LLC vs	§	In the County Civil Court at Law No. 2
Phillip Smith, Tanaka Smith, Loancare Insurance	§	
Processing Center, US Small Business	§	Harris County, Texas
Administration, Allstate Insurance Company	§	
	§	
	§	

ORDER OF REFERRAL OF MEDIATION

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Referral to the mediation is not a substitute for a trial and the case will be tried as assigned if not settled. Disputes as to fees may be submitted to the Court.

Signed on: 9/26/2019

Honorable Jim F. Kovach
Judge Presiding

PHILLIP SMITH
13823 GREENRANCH DRIVE
HOUSTON TX 77039

H01139 (Rev. 05/01/2011)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire

Alba Fraire

Deputy



CON:492264|16066229



Docket Number: 1140010

Ervin Lee, Equity Custom Builders LLC vs	§	In the County Civil Court at Law No. 2
Phillip Smith, Tanaka Smith, Loancare Insurance	§	
Processing Center, US Small Business	§	Harris County, Texas
Administration, Allstate Insurance Company	§	
	§	
	§	

ORDER OF REFERRAL OF MEDIATION

This case is appropriate for mediation pursuant to Tex. Civ. & Rem. Code Sec. 154.001, et seq. ROBERT CASEY is appointed a mediator in the above case, and all counsel are directed to arrange the logistics of mediation. The Mediator's address, phone and fax numbers are as follows:

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Referral to the mediation is not a substitute for a trial and the case will be tried as assigned if not settled. Disputes as to fees may be submitted to the Court.

Signed on: 9/26/2019

Honorable Jim F. Kovach
Judge Presiding

EQUITY CUSTOM BUILDERS LLC
512 N HAMPTON ROAD
DE SOTO TX 75115

H01139 (Rev. 05/01/2011)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|16066230



Docket Number: 1140010

Ervin Lee, Equity Custom Builders LLC vs	§	In the County Civil Court at Law No. 2
Phillip Smith, Tanaka Smith, Loancare Insurance	§	
Processing Center, US Small Business	§	Harris County, Texas
Administration, Allstate Insurance Company	§	
	§	
	§	

ORDER OF REFERRAL OF MEDIATION

This case is appropriate for mediation pursuant to Tex. Civ. & Rem. Code Sec. 154.001, et seq. ROBERT CASEY is appointed a mediator in the above case, and all counsel are directed to arrange the logistics of mediation. The Mediator's address, phone and fax numbers are as follows:

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Referral to the mediation is not a substitute for a trial and the case will be tried as assigned if not settled. Disputes as to fees may be submitted to the Court.

Signed on: 9/26/2019

Honorable Jim F. Kovach
Judge Presiding

TANAKA SMITH
13823 GREENRANCH DRIVE
HOUSTON TX 77039

H01139 (Rev. 05/01/2011)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|16066231



Ervin Lee, Equity Custom Builders LLC vs	§	In the County Civil Court at Law No. 2
Phillip Smith, Tanaka Smith, Loancare Insurance	§	
Processing Center, US Small Business	§	Harris County, Texas
Administration, Allstate Insurance Company	§	
	§	
	§	

ORDER OF REFERRAL OF MEDIATION

This case is appropriate for mediation pursuant to Tex. Civ. & Rem. Code Sec. 154.001, et seq. ROBERT CASEY is appointed a mediator in the above case, and all counsel are directed to arrange the logistics of mediation. The Mediator's address, phone and fax numbers are as follows:

ROBERT CASEY, 1627 WOODHUE SPRING, TX 77386, Mediator Phone: Work: 832-326-9294

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Referral to the mediation is not a substitute for a trial and the case will be tried as assigned if not settled. Disputes as to fees may be submitted to the Court.

Signed on: 9/26/2019

Honorable Jim F. Kovach
Judge Presiding

ROBERT CASEY
1627 WOODHUE
SPRING TX 77386

H01139 (Rev. 05/01/2011)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|16066233



Docket Number: 1140010

Ervin Lee, Equity Custom Builders LLC vs
 Phillip Smith, Tanaka Smith, LoanCare Insurance
 Processing Center, US Small Business
 Administration, Allstate Insurance Company

§ In the County Civil Court at Law No. 2
 §
 § Harris County, Texas
 §
 §
 §
 §

ORDER

By order of this court, on 9/26/2019 ROBERT CASEY was appointed to serve as MEDIATOR in this case.

The following fees were agreed upon by the parties and were paid in the amount and by whom indicated:

\$ _____ PAID BY _____

\$ _____ PAID BY _____

\$ _____ PAID BY _____
 (use additional page if needed)

Respectfully submitted this ____ day of _____.

 ROBERT CASEY

BAR CARD NUMBER REQUIRED _____

ROBERT CASEY
 1627 WOODHUE
 SPRING, TX 77386,

Approved by County Civil Court at Law No. 2

 Presiding Judge

RETURN TO: DIANE TRAUTMAN
 ATTN: CIVIL COURTS DEPARTMENT
 PO Box 1525
 Houston, TX 77251-1525

H01139A (Rev. 05/01/2011)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
 Attest: 10/21/2019
Diane Trautman, County Clerk
 Harris County, Texas

Alba Fraire

 Alba Fraire

Deputy



CON:492264|16066234



Docket Number: 1140010

Ervin Lee, Equity Custom Builders LLC vs
 Phillip Smith, Tanaka Smith, LoanCare Insurance
 Processing Center, US Small Business
 Administration, Allstate Insurance Company

§
 §
 §
 §
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In the County Civil Court at Law No. 2
 Harris County, Texas

ORDER FOR TRIAL SETTING

It is hereby ORDERED that this case is set for NON-JURY trial on 05/04/2020 at 9:00 AM at 201 Caroline 5th floor Houston, TX 77002.

It is further ORDERED that PLAINTIFF notify all attorneys and Pro Se parties of this ORDER in accordance with TRCP 21a, by certified mail, facsimile and/or hand delivery.

If a minor child is a party by next friend or otherwise, defense counsel is ORDERED to file on or before thirty (30) days prior to the trial date either a Motion and Order to Appoint a Guardian Ad Litem or a Motion and Order to Waive the Appointment of a Guardian Ad Litem.

Should the case settle prior to trial, Plaintiff must immediately notify the Trial Coordinator in writing and must serve all parties with same.

Signed on: 9/26/2019

Jim F. Kovach
 Judge Presiding

PLEASE NOTE:

IF THIS CASE IS ELIGIBLE FOR THE FILING OF A DEFAULT JUDGMENT; PLEASE FILE DEFAULT PACKET 10 DAYS PRIOR TO TRIAL DATE. FAILURE TO COMPLY WITH THIS NOTICE COULD RESULT IN YOUR CASE BEING DISMISSED BY THE COURT.

For answers to Frequently Asked Questions, visit the Court's website at www.ccl.hctx.net/civil/2

EQUITY CUSTOM BUILDERS LLC
 512 N HAMPTON ROAD
 DE SOTO TX 75115

Form No. H01121 (Rev. 5/9/2019)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
 Attest: 10/21/2019
Diane Trautman, County Clerk
 Harris County, Texas

Alba Fraire
 Alba Fraire

Deputy



CON:492264|16119840



Docket Number: 1140010

Ervin Lee, Equity Custom Builders LLC vs
 Phillip Smith, Tanaka Smith, LoanCare Insurance
 Processing Center, US Small Business
 Administration, Allstate Insurance Company

§
§
§
§
§
§

In the County Civil Court at Law No. 2

Harris County, Texas

ORDER FOR TRIAL SETTING

It is hereby ORDERED that this case is set for NON-JURY trial on 05/04/2020 at 9:00 AM at 201 Caroline 5th floor Houston, TX 77002.

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If a minor child is a party by next friend or otherwise, defense counsel is ORDERED to file on or before thirty (30) days prior to the trial date either a Motion and Order to Appoint a Guardian Ad Litem or a Motion and Order to Waive the Appointment of a Guardian Ad Litem.

Should the case settle prior to trial, Plaintiff must immediately notify the Trial Coordinator in writing and must serve all parties with same.

Signed on: 9/26/2019

Jim F. Kovach
 Judge Presiding

PLEASE NOTE:

IF THIS CASE IS ELIGIBLE FOR THE FILING OF A DEFAULT JUDGMENT; PLEASE FILE DEFAULT PACKET 10 DAYS PRIOR TO TRIAL DATE. FAILURE TO COMPLY WITH THIS NOTICE COULD RESULT IN YOUR CASE BEING DISMISSED BY THE COURT.

For answers to Frequently Asked Questions, visit the Court's website at www.ccl.hctx.net/civil/2

ERVIN LEE
 512 N HAMPTON ROAD
 DE SOTO TX 75115

Form No. H01121 (Rev. 5/9/2019)

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy

Attest: 10/21/2019

Diane Trautman, County Clerk
 Harris County, Texas

Alba Fraire
 Alba Fraire

Deputy



CON:492264|16119840



DOCKET NUMBER:1140010

ERVIN LEE, EQUITY CUSTOM BUILDERS VS. * IN THE COUNTY CIVIL COURT AT LAW
PHILLIP SMITH, TANAKA SMITH, LOANCARE * NO.2
INSURANCE PROCESSING CENTER, US SMALL * HARRIS COUNTY, TEXAS
BUSINESS ADMINISTRATION, ALLSTATE *
INSURANCE COMPANY

CERTIFICATE OF SERVICE

1. ORDER FOR TRIAL SETTING, .

2. ORDER OF REFERRAL OF MEDIATION, .

I DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ABOVE FOREGOING
WILL BE SERVED

BY PLACE SAME IN THE UNITED STATES MAIL, POST PREPAID, ON THIS DATE OCTOBER
8, 2019,

ADDRESSED TO,

1. US Small Business Administration
Allstate Insurance Company / Claims Division
LoanCare Insurance Processing Center
- 2.

C. M. D. 10/08 -2019

FILED
2019 OCT 15 PM 12:39
Diane Trautman
COUNTY CLERK
HARRIS COUNTY, TEXAS

Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

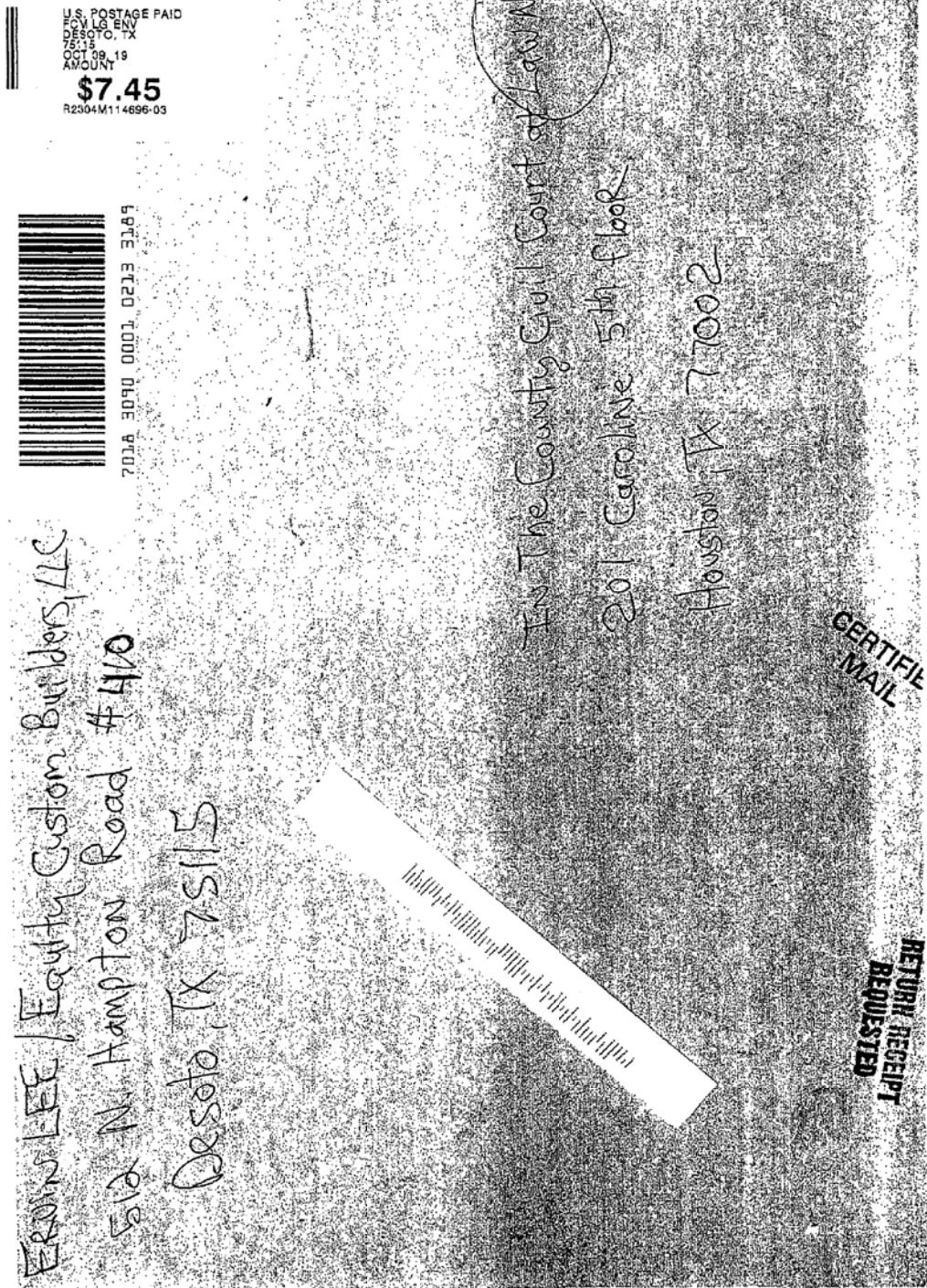
Alba Fraire
Alba Fraire

Deputy



CON:492264|16119840





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Attest: 10/21/2019
Diane Trautman, County Clerk
Harris County, Texas

Alba Fraire
Alba Fraire

Deputy



CON:492264|16119840

